



**International Mobile Satellite Organization**

**ASSEMBLY**

Twentieth Session

**Malta**, 29 September to 3 October 2008

**Agenda item 10.2**

ASSEMBLY/20/10.2

Origin: Director

Date: 25 June 2008

**DIRECTORATE MATTERS**

**PROPOSED AMENDMENTS TO THE FUNCTIONS OF THE IMSO DIRECTOR**

<b><i>Executive Summary:</i></b>	this document discusses revisions to the Functions of the IMSO Director
<b><i>Action to be taken:</i></b>	to approve revisions to the Functions of the IMSO Director
<b><i>Related documents:</i></b>	Assembly/20/8.1, Reports of Advisory Committee

**1 BACKGROUND**

At its Eighteenth Session, the Assembly approved amended functions for the IMSO Director and requested the Advisory Committee to make further revisions in the light of decisions taken at that session of the Assembly.

**2 ADVISORY COMMITTEE**

At its Twenty-First Session, the Advisory Committee reviewed and agreed revisions to the Functions of the Director, put forward by the Director, for submission to the Assembly for approval.

The Committee will be discussing further amendments to the Functions of the Director relating to the Reference Public Services Agreement and LRIT at its Twenty-Second Session, to be held in July 2008, which will be reported to the Assembly as an Addendum to this document.

2      **ACTION REQUIRED**

The Assembly is invited to approve revised Functions of the Director, as set out in the **Annex**.

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**PROPOSED REVISED FUNCTIONS OF THE IMSO DIRECTOR**

(as agreed by the IMSO Advisory Committee

for submission to the IMSO Assembly for approval)

(proposed additional text/deletions shown by emboldening/overstriking)

In accordance with Article **11** of the ~~amended~~ Convention, the Director shall act as legal representative of the Organization and Chief Executive Officer of the ~~Secretariat~~ **Directorate**, with responsibility to and under the direction of the Assembly, to service the activities of the Assembly in the performance of its functions as set forth in Article **10** of the ~~amended~~ Convention and, in particular, to perform or oversee the following tasks subject to paragraph (xvi) below:

- (i) Review on a regular basis the relevant activities of ~~the national corporate entities ("the Companies") through which the Inmarsat satellite system will be owned and operated,~~ **Providers** to ensure that their obligations under their Public Services Agreements are being observed.
- (ii) Prepare a report of the Organization to the IMO envisaged in **Clause** Article 4.3 of the Public Services Agreement **between the Organization and Inmarsat** in conformity with **a the** concept ~~to be~~ developed by the Advisory Committee. Submit such Report for approval to the Assembly and/or to the Advisory Committee as defined in the Terms of Reference of the Committee.
- (iii) Report **on at least every six months a regular basis** to Parties and the Assembly on all activities of the ~~Secretariat~~ **Directorate**, and on the review of ~~the Companies~~ **Providers** referred to in item (i), ~~with the main elements to be translated into the French, Russian and Spanish languages.~~
- (iv) Participate in the Public Services Committee, ~~to be~~ established pursuant to Clause 4.1 of the Public Services Agreement, and represent the Organization in the exercise of its rights as Special Shareholder under the Articles of Association of the **Inmarsat Holdings Ltd Company**.
- (v) Implement enforcement procedures under the Public Services Agreement on the Organization's behalf in the event of any breach of the obligations of ~~the Companies~~ **Providers** thereunder, including any arbitration or other enforcement action.

- (vi) Represent the Organization at meetings of IMO dealing with the Safety of Life at Sea Convention, including GMDSS, other maritime safety **and security** matters, and regular consultation and cooperation with IMO.
- (vii) Represent the Organization at meetings of other organizations, including ITU, ICAO and **other UN international and** regional bodies on matters of relevance to the Organization's purposes, and consultation and cooperation with such entities as necessary.
- (viii) Travel to meetings outside the Headquarters State, and to member countries for consultations, as necessary.
- (ix) Convene and organize Assembly sessions, in accordance with Article 8(2) of the ~~Amended~~ Convention.
- (x) Prepare the annual budget of the ~~Secretariat~~ **Directorate**, and **implement and operate agreed** accounting and auditing procedures.
- (xi) Determine the staffing structure of the ~~Secretariat~~ **Directorate**, ~~including a limited number of~~ **and engage** professional and general service posts in the ~~Secretariat~~ **Directorate** for the purpose of carrying out the functions described in ~~this Annex~~ **herein, taking into account**, in particular, ~~if appropriate~~
  - ~~a technical officer~~, the recommendation of the Third Session of the International Maritime Organization's (IMO) Sub-Committee on Radiocommunications, Search and Rescue (COMSAR) (23-27 February 1998) relating to Inmarsat's Restructuring that *"IMO is of the opinion that it should be clearly stated in the relevant Inmarsat document that at least one senior member of the Secretariat should have expertise in all aspects of the GMDSS, including its technical operation and be well versed in the needs of seafarers and maritime search and rescue services."*(COMSAR.3/WP/4, Annex).
  - ~~an administrative assistant or senior secretary~~
- (xiii) Draw up Staff Rules, salary scales and other standard terms of employment, as appropriate for the ~~Secretariat~~ **Directorate**.

- (xiv) Manage the ~~Secretariat~~ **Directorate**, including supervision of other staff.
  - (xv) Consult with, and obtain the guidance and advice of the Advisory Committee ~~established by the Assembly~~, on the following matters:
    - (a) preparation by the Director of the annual budget of the ~~Secretariat~~ **Directorate** and accounting and auditing procedures, **including the engagement of external accounting services for the purpose of supervision of accounting functions and preparation of annual accounts**;
    - (b) determination by the Director of the staffing structure of the ~~Secretariat~~ **Directorate** and standard terms of employment of ~~Secretariat~~ **Directorate** staff, and the Staff Rules;
    - (c) any proposed action by the Director to convene an extraordinary general meeting of the ~~Inmarsat Holdings Ltd Company~~ **Inmarsat Holdings Ltd Company** or initiate arbitration or judicial proceedings in the event of any alleged breach by the Companies of their obligations under the PSA, provided that if the Committee so requests, or the Director so decides, the Director shall convene an extraordinary session of the Assembly to authorize appropriate enforcement action.
    - (d) preparation of a regular report of the Organization to the IMO envisaged in Article 4.3 of the Public Service Agreement (PSA) **between the Organization and Inmarsat**, as set out in item (ii) above; and
    - (e) any other matters delegated by the Assembly.
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